

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Anton J. Kryka et al.

Serial No.: 10/714,122

Filed: November 14, 2003

For: SYSTEM AND METHOD FOR STORING AND RETRIEVING IMAGES IN A DOCUMENT PROCESSING SYSTEM

Attorney Docket No.: PM060A (UNCO 0145 PUS)

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

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Sir:

This is an Appeal Brief in support of the appeal from the final rejection of claims 1-15 and 17-18 of the Office Action mailed on March 8, 2007 for the above-identified patent application.

**I. REAL PARTY IN INTEREST**

The real party in interest is Unisys Corporation (“Assignee”), a corporation organized and existing under the laws of the state of Delaware, and having a place of business at Township Line and Union Meeting Roads, Blue Bell, Pennsylvania 19424.

**II. RELATED APPEALS AND INTERFERENCES**

This application is related to application Serial No. 10/714,121, filed on November 14, 2003, which is presently on appeal to the Board of Patent Appeals and Interferences.

There are no additional appeals, interferences, or judicial proceedings known to the Appellants, the Appellants' legal representative, or the Assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

### **III. STATUS OF CLAIMS**

Claims 1-15 and 17-18 are pending in this application. Claim 16 has been cancelled. Claims 1-15 and 17-18 have been rejected and are the subject of this appeal.

### **IV. STATUS OF AMENDMENTS**

No amendment was filed subsequent to final rejection. A response was filed on April 12, 2007, but this response did not present any amendments.

### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

The invention relates to document processing systems, and to storing and retrieving individual images in a document processing system. Page 2, ll. 3-5. An existing document processor, in order to meet performance demands, stores many images in each image file. Once the images are captured, an indexing scheme must be used to retrieve single images out of each file of images. Page 3, l. 28 - page 7, l. 14.

The invention involves a document processing system having an improved image-indexing scheme. Figures 1 and 3 illustrate a document processing system in a preferred embodiment of the invention. Figure 4 illustrates a method of processing image data in a document processing system in a preferred embodiment of the invention.

Independent claim 1 recites, as best shown in Figures 1 and 3, a document processing system 10 having at least one computer 14, 16 running system software that interfaces with transport hardware 12 to provide document control and capture document

images and document data in various formats. An image file 20, 120 stores a plurality of captured document images 116 for subsequent retrieval on an individual basis. The system 10 includes a computer readable storage medium storing the system software.

The system software on the medium further comprises instructions for indexing the image file 120 by creating an index file 122 containing indexing data for the captured document images 116. The index file 122 is in the form of a self-describing document wherein elements describe the indexing data for the captured document images 116 to allow subsequent retrieval of the captured document images 116 from the image file 120 on an individual basis.

Page 8, 1. 15 - page 9, 1. 4; page 9, ll. 9-17; page 21, 1. 21 - page 23, 1. 5.

An exemplary index file is in accordance with extensible markup language (XML) and is shown in Appendix A at pages 24-26. The example index file is a valid XML document in accordance with the document type definition (DTD) set forth in Figures 2A-2B, described at page 14, 1. 13 - page 21, 1. 12.

Independent claim 5 recites a document processing system 10 comprising a document transport 12, and at least one computer 14, 16 running system software and interfacing with the document transport 12 to provide document control and capture document images and document data in various formats. An image file 20, 120 stores a plurality of captured document images 116 for subsequent retrieval on an individual basis. The computer 14, 16 includes a computer readable storage medium storing the system software. The system software on the medium further includes instructions for indexing the image file 120 by creating an index file 122 containing indexing data for the captured document images 116. The index file 122 is in the form of a self-describing document wherein elements describe the indexing data for the captured document images 116 to allow subsequent retrieval of the captured document images 116 from the image file 120 on an individual basis. Page 8, 1. 15 - page 9, 1. 4; page 9, ll. 9-17; page 21, 1. 21 - page 23, 1. 5.

Independent claim 9 recites, as best shown in Figures 1 and 3-4, a method of operating a document processing system 10 of the type in which one or more computers 14, 16 running system software interface with transport hardware 12 to provide document control and capture document images and document data in various formats. An image file 20, 120 stores a plurality of captured document images 116 for subsequent retrieval on an individual basis. The system 10 includes a computer readable storage medium storing the system software. The method comprises indexing the image file 120 by creating an index file 122 containing indexing data for the captured document images 116. The index file 122 is in the form of a self-describing document wherein elements describe the indexing data for the captured document images 116 to allow subsequent retrieval of the captured document images 116 from the image file 120 on an individual basis. Indexing is depicted in Figure 4 at block 202. Page 9, ll. 18-27; page 21, l. 21 - page 23, l. 5.

Independent claim 13 recites, as best shown in Figures 1 and 3-4, a method for increasing the flexibility of storing and retrieving image data 120 captured by a document processor 12. The method comprises capturing (block 200, Figure 4) image data in an imaging subsystem 108 of the document processor 12. The method further comprises establishing a document type definition (DTD) file 112 that sets forth a set of rules for creating a valid index file 122 in the form of a self-describing document. The DTD file 112 declares a plurality of elements for describing indexing data for the captured image data 120 (Figures 2A-2B illustrate an exemplary DTD file).

The method further comprises indexing (block 202, Figure 4) the captured image data 120 by creating an index file 122 containing indexing data for the captured image data 120 to allow subsequent retrieval of the captured image data 120 on an individual basis. The index file 122 is created in accordance with the DTD file 112.

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Claims 1 and 5 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 49 of co-pending application Serial No. 10/714,121.

Claims 1-15 and 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson et al. (U.S. Pub. No. 2004/0015566) in view of Lal (U.S. Patent No. 6,684,204).

**VII. ARGUMENT****A. Provisional Rejection Of Claims 1 And 5 On The Ground Of Non-Statutory Obviousness-Type Double Patenting**

Appellants note the provisional rejection based on co-pending application Serial No. 10/714,121, and will consider filing an appropriate terminal disclaimer in the event that the conflicting claim is patented.

**B. Claims 1-15 And 17-18 Are Patentable Over Anderson et al. In View Of Lal**

Claim 1, for example, recites a document processing system having at least one computer running system software that interfaces with transport hardware to provide document control, and capture document images and document data in various formats. An image file stores a plurality of captured document images for subsequent retrieval on an individual basis. The system includes a computer-readable storage medium storing the system software. The system software on the medium further comprises instructions for indexing the image file by creating an index file. The index file contains indexing data for the captured document images. The index file is in the form of a self-describing document wherein elements describe the indexing data for the captured document images to allow subsequent retrieval of the captured document images on an individual basis.

The Examiner acknowledges Anderson's failure to disclose an index file in the form of a self-describing document, as claimed, and relies on Lal as a secondary reference. Appellants believe that Lal also fails to disclose an index file in the form of a self-describing document, as claimed, and that Anderson and Lal still fail to suggest the claimed invention.

Further, Appellants believe that Anderson has additional shortcomings in addition to those shortcomings acknowledged by the Examiner. It appears that Anderson fails to describe an index file indexing an image file that stores a plurality of captured document images for subsequent retrieval on an individual basis, let alone describe an index file in the form of a self-describing document. This additional shortcoming of Anderson is also not overcome by Lal.

Anderson describes an electronic item management and archival system. Anderson does describe document images. Appellants agree that Anderson fails to disclose an index file in the form of a self-describing document. Further, it appears that Anderson fails to describe an index file indexing an image file that stores a plurality of captured document images for subsequent retrieval on an individual basis. In the final Action, with regard to the claim limitations relating to indexing the image file by creating an index containing indexing data for the image file storing captured document images, the Examiner refers to sections 60-69, 85-97, 131, and 238-245. None of these sections describe an index file indexing an image file that stores a plurality of captured document images for subsequent retrieval on an individual basis as claimed.

Sections 60-69 describe an item-input device, and in further detail, describe a check scanner and discuss imaging and data capture. However, there does not appear to be any discussion of an index file indexing an image file that stores a plurality of captured document images for subsequent retrieval on an individual basis as claimed. This portion of Anderson is only describing the item-input device.

Sections 85-97 describe certain aspects of image processing, including image capture. Again, there does not appear to be any discussion of an index file indexing an image file that stores a plurality of captured document images for subsequent retrieval on an individual basis as claimed. This portion of Anderson is only describing certain aspects of image processing.

Section 131 mentions a captured items index. Again, there does not appear to be any discussion of an index file indexing an image file that stores a plurality of captured document images for subsequent retrieval on an individual basis as claimed. The captured items index, at most, is an index of processed items. The claimed index file has specific limitations that are not described by Anderson.

Sections 238-245 give further discussion of images and describe the image match that is used to reconcile captured data with a user-provided match control file. Nevertheless, there does not appear to be any discussion of an index file indexing an image file that stores a plurality of captured document images for subsequent retrieval on an individual basis as claimed. This portion of Anderson seems to only be describing a reconcile feature.

With regard to Anderson, the Examiner states that Anderson describes all claim limitations except the index file being in the form of a self-describing document. For reasons explained above, Appellants disagree. Although Anderson may describe an electronic item management and archival system, describe handling document images, and describe indexing electronic items, Anderson's shortcomings are more significant than acknowledged by the Examiner. In particular, Anderson does not appear to describe an index file for an image file that stores captured document images for subsequent retrieval on an individual basis, let alone describe an index file in the form of a self-describing document. To the extent that Anderson retains document data to allow retrieval of an image file for a document, the document data simply indicates the path and filename of a TIFF file. There is no description of any index that

allows individual image retrieval from an image file containing a plurality of images, let alone any teaching of an index file being in the form of a self-describing document.

Lal does not overcome the shortcomings of Anderson. Lal does not appear to offer any discussion of an index file in the form of a self-describing document. Further, Lal does not appear to offer any discussion of an index file indexing an image file that stores a plurality of captured document images for subsequent retrieval on an individual basis. Note that Lal is indexing documents, and there is no description in Lal of an index file for an image file that allows individual image retrieval from an image file containing a plurality of images. Further, to the extent that Lal describes indexing, in addition to the fact that Lal is indexing documents and not indexing image files containing multiple images, there is no suggestion of an index file being in the form of a self-describing document. That is, Anderson's shortcomings are not overcome by Lal.

Lal is about indexing an XML document collection; Lal describes conducting a search on a network which includes documents having a plurality of tags. As described by Lal, and as illustrated in Figure 7, Lal is about indexing XML documents. More specifically, Lal is about indexing a collection of XML documents 110 by creating hash table index 115 and tree index 116. That is, Lal is teaching the creation of indexes for an XML document collection. There is clearly no suggestion of an index file in the form of a self-describing document. Lal illustrates a hash table in Figure 8, and illustrates a tree index in Figure 9. These indexes in Lal are described at column 5, ll. 7-35, and there is clearly no teaching of an index file in the form of a self-describing document.

Both the hash table index and the tree index, as illustrated in Lal, are object or data structures containing pointers to elements in a document object model, are not documents, and are certainly not index files that index image files containing multiple document images,

let alone index files in the form of self-describing documents. Lal describes table index and tree index structures containing pointers.

In more detail, the hash table index, as shown in Figure 8, is a flat index of pointers to elements in the document object model. The hash table index does contain the names of tags that occur in the XML documents; however, the hash table is only a table of names and pointers (that is, an object or data structure containing pointers), and is certainly not a document let alone the fact the claims specifically require a self-describing document.

Further, with regard to the tree index, the tree index does contain the names of tags that occur in the XML document, and does reflect the basic structure of the XML document and the document type definition associated with the XML document. Nevertheless, the tree index is simply a tree index containing pointers (that is, an object or data structure containing pointers). The tree index is certainly not a document let alone the fact that the claims specifically require a self-describing document.

The hash table index and the tree index do function as indexes for XML documents. However, the hash table index and the tree index themselves are not documents, and are certainly not index files that index image files containing multiple document images and that are in the form of self-describing documents. The fact that the indexes contain the names of tags that occur in the XML documents, and in the case of the tree index, maintain the context of the tags, does not result in the conclusion reached by the Examiner that these indexes are themselves in the form of self-describing documents. Put another way, the hash table index and tree index do not suggest an index file in the form of a self-describing document. The hash table index and tree index, as illustrated, are in the form of object or data structures – not documents, and clearly not self-describing documents. Even if there were a suggestion to serialize the hash table index, or the tree index, to create a byte stream for a file,

there is no suggestion that the resulting byte stream (file) would represent the index file in the form of a self-describing document or even in the form of a document at all.

Appellants believe that both Anderson and Lal have significant shortcomings.  
Neither Anderson nor Lal describe an index file for an image file that stores captured document images for subsequent retrieval on an individual basis. Further, neither Anderson nor Lal describe an index file in the form of a self-describing document.

In any event, Appellants believe that there is no motivation to combine the references to achieve the claimed invention. There is no reason why someone of ordinary skill in the art would combine teachings of the prior art to arrive at the claimed invention. In the final Action, the Examiner states that Anderson discloses that the captured data are in XML, but does not explicitly disclose indexing of XML data. The Examiner goes on to state that Lal teaches indexing of XML data wherein an index file is in the form of a self-describing document in accordance with the document type definition file.

Appellants respectfully point out that the claimed invention is not about indexing of XML data, but rather the claimed invention is about indexing a plurality of captured document images that are stored in an image file for subsequent retrieval on an individual basis, wherein the index file is in the form of a self-describing document. The Examiner is making statements about Lal's indexing of XML data; however, the invention is not about the indexing of XML data, and the Examiner has not provided any prior art teaching of the claimed image file storing multiple images and the associated index file in the form of a self-describing document.

It appears that the Examiner is stating that Anderson could be modified in view of Lal to index captured data that are in XML. Even so, such modification still does not achieve the claimed invention.

For the reasons given above, claims 1-15 and 17-18 are believed to be patentable.

The fee of \$500.00 as applicable under the provisions of 37 C.F.R. § 41.20(b)(2) is enclosed. Please charge any additional fee or credit any overpayment in connection with this filing to our Deposit Account No. 02-3978.

Respectfully submitted,

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Enclosure - Appendices

### **VIII. CLAIMS APPENDIX**

1. A document processing system having at least one computer running system software that interfaces with transport hardware to provide document control and capture document images and document data in various formats, wherein an image file stores a plurality of captured document images for subsequent retrieval on an individual basis, the system including a computer readable storage medium storing the system software, the system software on the medium further comprising:

instructions for indexing the image file by creating an index file containing indexing data for the captured document images, the index file being in the form of a self-describing document wherein elements describe the indexing data for the captured document images to allow subsequent retrieval of the captured document images on an individual basis.

2. The document processing system of claim 1, wherein the index file follows a predetermined set of rules for making the index file valid.

3. The document processing system of claim 2, wherein the predetermined set of rules is set forth in a document type definition (DTD).

4. The document processing system of claim 3, wherein the index file is in accordance with extensible markup language (XML).

5. A document processing system comprising:

a document transport; and

at least one computer running system software and interfacing with the document transport to provide document control and capture document images and document data in various formats, wherein an image file stores a plurality of captured document images for subsequent retrieval on an individual basis, the computer including a computer readable storage medium storing the system software, the system software on the medium further including instructions for indexing the image file by creating an index file containing indexing data for the captured document images, the index file being in the form of a self-describing document wherein elements describe the indexing data for the captured document images to allow subsequent retrieval of the captured document images on an individual basis.

6. The document processing system of claim 5, wherein the index file

follows a predetermined set of rules for making the index file valid.

7. The document processing system of claim 6, wherein the predetermined

set of rules is set forth in a document type definition (DTD).

8. The document processing system of claim 7, wherein the index file is

in accordance with extensible markup language (XML).

9. A method of operating a document processing system of the type in which one or more computers running system software interface with transport hardware to provide document control and capture document images and document data in various formats, wherein an image file stores a plurality of captured document images for subsequent retrieval on an individual basis, the system including a computer readable storage medium storing the system software, the method comprising the step of:

indexing the image file by creating an index file containing indexing data for the captured document images, the index file being in the form of a self-describing document wherein elements describe the indexing data for the captured document images to allow subsequent retrieval of the captured document images on an individual basis.

10. The method of claim 9, further comprising the step of:

establishing a set of rules for the self-describing document that make the self-describing document valid, wherein the index file is created in accordance with the set of rules.

11. The method of claim 10, wherein the predetermined set of rules is set forth in a document type definition (DTD).

12. The method of claim 11, wherein the index file is created in accordance with extensible markup language (XML).

13. A method for increasing the flexibility of storing and retrieving image data captured by a document processor, comprising the steps of:

capturing image data in an imaging subsystem of the document processor; establishing a document type definition file that sets forth a set of rules for creating a valid index file in the form of a self-describing document, the document type definition file declaring a plurality of elements for describing indexing data for the captured image data; and,

indexing the captured image data by creating an index file containing indexing data for the captured image data to allow subsequent retrieval of the captured image data on an individual basis, the index file being created in accordance with the document type definition file.

14. The method of claim 13, wherein the plurality of element declarations includes first elements related to selected parameters of the document processing system and second elements related to selected parameters of each document that is processed.

15. The method of claim 14, further comprising the step of:  
storing the image data and associated index file in storage means of the document processor.

17. The method of claim 14, wherein the document-type definition file further includes a plurality of attributes associated with selected ones of the plurality of elements, the association being set forth in an attribute declaration list.

18. The method of claim 17, wherein the document-type definition file is created in accordance with extensible markup language (XML).

**IX. EVIDENCE APPENDIX**

**None.**

**X. RELATED PROCEEDINGS APPENDIX**

**None.**